

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DAVID E. SMITH,)
)
Plaintiff,)
)
v.) Case No. 4:19CV01913 SNLJ
)
STANLEY PAYNE,)
)
Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion for appointment of counsel [ECF 10]. For the following reasons, the motion will be denied.

"There is no constitutional or statutory right to appointed counsel in civil cases."

Phillips v. Jasper County Jail, 437 F.3d 791, 794 (8th Cir. 2006) (internal citation omitted). "Rather, when an indigent prisoner has pleaded a nonfrivolous cause of action, a court *may* appoint counsel." *Id.* "The relevant criteria for determining whether counsel should be appointed include the factual complexity of the issues, the ability of the indigent person to investigate the facts, the existence of conflicting testimony, the ability of the indigent person to present the claims, and the complexity of the legal arguments." *Id.*

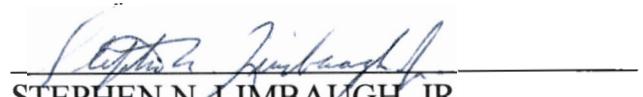
After considering these factors, this Court finds that the factual and legal issues are not complex, plaintiff has the ability to use written discovery to investigate his case, and plaintiff's pleadings indicate his ability to state his claims and legal arguments. The Court finds, therefore, that the appointment of counsel is not warranted at this time. The Court

will continue to monitor the progress of this case, and if it appears to this Court that the need arises for counsel to be appointed, the Court will do so.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for appointment of counsel (ECF 10) is **DENIED** without prejudice.

Dated this 2nd day of August, 2019.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE